

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DONNA JOHNS and PAMELA JEAN
FRICK, on behalf of themselves and all
others similarly situated,

PLAINTIFF,

v.

ALLURA USA LLC, PLYCEM USA LLC
D/B/A ALLURA, PLYCEM USA, INC.,
ELEMENTIA USA, INC., ELEMENTIA,
S.A. DE C.V.,

DEFENDANTS.

Case No. 3:18-CV-00669-FDW-DCK

**CONSENT MOTION FOR EXTENSION
OF TIME TO ANSWER OR
OTHERWISE RESPOND TO
DEFENDANTS' MOTIONS TO DISMISS**

Plaintiffs Donna Johns and Pamela Jean Frick, and all similarly situated persons, by and through their undersigned counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully move for an extension of time within which to respond to Plycem USA LLC, Elementia USA, Inc., and Elementia S.A.B. de C.V. ("Defendants") Motions to Dismiss [D.E. 36, 38, and 41]. In support of this motion, Plaintiffs show the Court as follows:

1. Plaintiffs filed their complaint on November 15, 2018 in Union County Superior Court.
2. On December 17, 2018, Defendants filed their Motion of Removal under 28 U.S.C. §§ 1332, 1441, 1446 to bring this matter to the United States District Court, Western District of North Carolina.
3. Plaintiffs timely filed the First Amended Complaint on February 1, 2019 [D.E. 27].

4. On February 15, 2019, the Defendants filed D.E. 36-43, including [D.E.36] Renewed Motion To Dismiss Defendant Elementia, S.A.B. De C.V. For Lack Of Personal Jurisdiction.

5. On February 15, 2019, the Defendants filed D.E. 36-43, including [D.E.38] Defendants' Renewed Motion to Dismiss in Favor of Arbitration.

6. On February 15, 2019, the Defendants filed D.E. 36-43, including [D.E.41] Defendants' Motion to Dismiss Counts II-V of Plaintiffs' First Amended Complaint for Failure to State a Claim.

7. Also, on February 15, 2019, the Defendants filed D.E. 43, Defendants' Answer and Affirmative Defenses to Plaintiffs' First Amended Class Action Complaint.

8. The deadline for Plaintiffs to file their opposition to [D.E. 36] the Renewed Motion to Dismiss Defendant Elementia S.A.B. De C.V. For Lack of Personal Jurisdiction is March 1, 2019, thus the time for Plaintiffs to respond has not expired.

9. The deadline for Plaintiffs to file their opposition to [D.E. 38] Defendants' Renewed Motion to Dismiss in Favor of Arbitration is March 1, 2019; thus, the time for Plaintiffs to respond has not expired.

10. The deadline for Plaintiffs to file their opposition to [D.E. 41] Motion to Dismiss Counts II-V of Plaintiffs' First Amended Complaint for Failure to State a Claim is February March 1, 2019; thus, the time for Plaintiffs to respond has not expired.

11. Plaintiffs require additional time to properly respond to Defendants' Motion to Dismiss Defendant Elementia S.A.B. De C.V. for Lack of Personal Jurisdiction [D.E. 36], and Motion to Dismiss Counts II-V of Plaintiffs' First Amended Complaint for Failure to State a Claim [D.E. 38], and Renewed Motion to Dismiss in Favor of Arbitration [D.E. 41].

12. Plaintiffs request they have until March 15, 2019 to file and serve their oppositions to these pending motions.

13. Plaintiffs have conferred with Defendants' counsel who consents to this Motion for Extension of Time to file replies to Motions to Dismiss.

14. In addition, Defendants request an extension to file their reply briefs so that those will be due on April 2, 2019. Plaintiffs consent to this request.

WHEREFORE the Parties respectfully request an extension of time for Plaintiffs to file a memorandum in opposition to Defendants' pending motions through March 15, 2019 and that Defendants' time to file a Reply be extended through April 2, 2019.

Respectfully submitted, this the 25th day of February, 2019.

/s/Scott C. Harris
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Appearance was this day served by filing the document electronically via the CM/ECF system to the following counsel of record:

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This the 25th day of February, 2019.

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